

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

CHAUNCEY HARRISON,

Plaintiff,

vs.

Case No. 05-CV-74587
HON. GEORGE CARAM STEEH

GREYWYN RUSSELL and
JOHN GARNER,

Defendants.

ORDER DENYING DEFENDANT'S MOTION TO QUASH
SUBPOENA FOR SGT. LESTER MATTHEWS (# 70)

Defendants Detroit Police Officers Greywyn Russell and John Garner move to quash the trial subpoena for Detroit Police Sergeant Lester Matthews. Sergeant Matthews works in the City of Detroit Police Department, and conducted an internal investigation of the October 29, 2004 incident underlying plaintiff Chauncey Harrison's 42 U.S.C. § 1983 claims of excessive use of force as alleged against Officers Russell and Garner. Defendants move to quash the trial subpoena arguing Sergeant Matthews' testimony is irrelevant, more prejudicial than probative, and inadmissible under deliberative process and law enforcement privileges. Defendants note that a related motion in limine is pending before the court.

The court is not persuaded that quashing the trial subpoena is appropriate to meet the defendants' evidentiary concerns. Precluding Sergeant Matthews from testifying at trial all together would require the court to draw the broad conclusion that any and all potential testimony of Sergeant Matthews is inadmissible. The pending motion in limine may resolve some of the defendants' concerns. Defendants are also free to raise specific objections at

trial. Defendants have not demonstrated that Sergeant Matthews should be excluded from appearing at trial. Accordingly, defendants' motion to quash the trial subpoena for Detroit Police Sergeant Lester Matthews is hereby DENIED.

SO ORDERED.

Dated: May 27, 2008

s/George Caram Steeh
GEORGE CARAM STEEH
UNITED STATES DISTRICT JUDGE

CERTIFICATE OF SERVICE

Copies of this Order were served upon attorneys of record on
May 27, 2008, by electronic and/or ordinary mail.

s/Josephine Chaffee
Deputy Clerk